Mutual Exchange Policy

Document Control

Responsible Person	Operations Director			
Review Frequency	5 Yearly			
Reviewed by	Board			
Date Approved	October 2023			
Next Review Due	October 2028			
Consultation Required	Yes	✓	No	
Equalities Impact Assessment	Yes	✓	No	
Added to Company Website	Yes	✓	No	
Associated Documents Considered	Yes	✓	No	

1. Scope of the Policy

1.1. This Policy Statement is supplementary to Waverley Housing's Allocations Policy

2. Objectives of the Policy

2.1. Scottish Secure Tenants have a legal right to exchange their tenancy with other tenants who have a Scottish Secure tenancy or Assured Tenants who live in other parts of the United Kingdom. Waverley has devised a policy which is fair, meets all current statutory obligations and offers tenants who wish to mutually exchange properties a quick, user- friendly system to meet their housing needs and aspirations.

3. Implementation of the Policy

3.1. A mutual exchange can happen when two separate tenants of a Registered Social Landlord including Co-operatives or Local Authority want to exchange their existing properties with each other. Before a mutual exchange can happen, written permission is required from each of the landlords involved.

3.2. In general, mutual exchanges will be allowed subject to the following criteria being fulfilled:

a) applicants should be tenants with their landlords for at least twelve months before applying for a mutual exchange. Exceptions may be applied in certain circumstances, for example and not limited to, Domestic Abuse or health issues.

b) the exchange must not result in overcrowding of the properties being exchanged. Our Allocations Policy will be used to assess this.

c) applicants will be responsible for meeting the costs of any required gas and electric safety checks to the property they wish to exchange in to and these costs must be paid in advance of the exchange taking place. It is for individual landlords to determine if they charge such costs.

d) the exchange must not result in the properties being under-occupied by more than one bedroom.

e) neither tenant nor member of their households must have a history of antisocial behaviour.

f) tenants must have clear rent accounts at the time of the mutual exchange and not owe any outstanding rechargeable repairs, or they have adhered to an agreed and affordable repayment arrangement for a minimum of three consecutive months or 12 weeks if paying weekly.

g) neither tenant has been issued with a current Notice of Proceedings for Possession by their landlord under grounds 1 to 7, Schedule 2 of the Housing (Scotland) Act 2001 or similar grounds if the applicant is from another part of the United Kingdom.

h) neither tenant has had an Order for Recovery of Possession granted against them by their current landlord.

i) neither of the properties were provided by the landlord in connection with the tenant's employment, for example, what is known as tied accommodation.

j) neither of the properties have been designed or adapted for a person whose special needs require this type of accommodation and if the exchange were to proceed there would no longer be a person with such special needs occupying the property.

k) both tenants must accept the properties to be exchanged in their current repair and decorative condition.

l) tenants who wish to exchange must have a Scottish Secure Tenancy or an Assured Tenancy.

3.3. All those wishing to exchange can:

a) Register with Waverley Housings Mutual Exchange Register, detailing what type and size of property they require and in which area.

Waverley will contact them should a suitable match occur and/or they can request details of the exchange list themselves to identify potential exchange properties.

Properties for exchange will be available to view on the website; Customer Service Assistants will be responsible for reviewing and updating information for this page.

b) Seek a suitable exchange property themselves by placing an advert in the local newspaper, shop window, word of mouth etc.

4. Responsibilities

4.1. Overall responsibility for this procedure lies with the Head of Housing, however operational responsibility for compliance with the procedure lies with staff responsible for the mutual exchange process.

4.2. All applications for mutual exchanges must be in writing from both parties and any joint tenants must indicate their agreement to the application for a mutual exchange.

4.3. A decision on any application will be given in writing to the tenants within 28 days. Any tenant unhappy about a decision relating to a mutual exchange must submit a written appeal to the Head of Housing within 28 days of receiving the decision. The Head of Housing will provide a final decision on the appeal within 10 days. If the tenant feels that their application for a mutual exchange has not been dealt with correctly then they have a right to submit a complaint in this connection which will be dealt with through our Complaints Procedure. Please note that complaints cannot be submitted regarding an appeal decision.